

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA §
§
v. § No. 3:09-CR-210-B
§
JESSE WILLIAM MCGRAW (1) §

GOVERNMENT'S MOTION TO CONTINUE SENTENCING DEADLINES

The United States of America, by and through its United States Attorney, files this its Motion to Continue the Sentencing Deadlines, and for cause respectfully shows this Court as follows:

ISSUE:

1. This Court ordered the Presentence Report in the above entitled and numbered cause to be disclosed on Friday, June 25, 2010. However, on Thursday, June 24, 2010, the Federal Bureau of Investigation executed four separate search warrants, in a related obstruction investigation. There is probable cause to believe that during the execution of these four search warrants, evidence will be obtained showing that McGraw and other individuals conspired to obstruct justice; specifically, to destroy, alter, or conceal evidence; and to harass, intimidate, and retaliate against witnesses in the above entitled and numbered cause. Such conduct may directly affect McGraw's guideline calculations, and the government requests a two week continuance so that it can sort through the

evidence obtained from the search warrants, review any readily assessable evidence, and thereafter disclose the same to the United States Probation Department. A copy of the basic affidavit will be submitted to the Court *in camera* (it is the undersigned's understanding that the search warrant applications and affidavits were sealed per order of the various magistrate judges).

WHEREFORE, the government requests that this Court Continue the Sentencing Deadlines for two weeks.

Respectfully submitted,

JAMES T. JACKS
United States Attorney

S/ Candina S. Heath
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CERTIFICATE OF CONFERENCE

I hereby certify that on June 24, 2010, I attempted to contact Assistant Federal Public Defender (AFPD) John Nicholson, but he was unavailable. I spoke to AFPD Sam Ogan, and explained the basis for the request for a continuance. Ogan did not oppose a continuance.

S/ Candina S. Heath
CANDINA S. HEATH
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2010, I electronically filed the foregoing document with the clerk for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to John Nicholson, attorney for McGraw, who consented in writing to accept this Notice as service of a document by electronic means.

S/ Candina S. Heath
CANDINA S. HEATH
Assistant United States Attorney